

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, SEPTEMBER 16, 2004 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Mehrdad "Mike" Fayyaz, P.E., Assistant City Engineer, substituting for Peter Partington
Bob Dunckel, Assistant City Attorney
Tony Irvine, City Surveyor
Chris Barton, Principal Planner, representative for Construction Services
Tom Terrell, Maintenance Manager
Greg Thornburgh, PBS Distribution & Collections Manager
Maurice Murray, Community Inspections Supervisor, substituting for Lori Milano
Kathy Connor, Parks Supervisor

Staff Present:

Ed Udvardy, Manager of General Services
Victor Volpi, Senior Real Estate Officer
Maureen Barnes, Administrative Assistant I
Rafeela Persaud, Word Processing Secretary

Guests Present:

Jay Lefka
Ron Mastriana
Sally Morris
Rick Dietz
Gloria Reese
Jim Klecker
Vanny Sanguily
Larry Kramer
Carl Crawford
Joseph Roberts
Linda Strutt
Rosemary Monaco
Robert Mayer
Dick Coker
Malcom McGuinness
John Barranco
Ellen Patterson

Mehrdad "Mike" Fayyaz called the meeting at 10:05 A.M. and stated that this is a Committee of City staff personnel serving as an advisory panel to the City Manager on appropriate uses of City property and right-of-way.

ITEM ONE: **APPROVAL OF JULY 15, 2004 MINUTES**

**MOTION BY TOM TERRELL TO APPROVE THE MINUTES. SECONDED BY TONY IRVINE.
MOTION PASSED UNANIMOUSLY.**

ITEM TWO: **VACATION OF RIGHT-OF-WAY – 444 E. SUNRISE BOULEVARD**

Address or General Location: 444 E Sunrise Boulevard

Victor Volpi introduced item stating that Ecocomp Enterprises, Inc., would like a positive recommendation to vacate a portion of Progresso Drive from N.E. 5th Avenue west to a 15-foot alley because it was not being used for thru traffic, and they would like to incorporate the parcel with their holdings. Victor Volpi introduced Dick Coker.

Mr. Coker stated that there were three (3) parcels in the area and he was referring to the middle parcel, which is an unpaved public right-of-way. Mr. Coker said that the parcel on the west was fenced in and used as a parking lot and the parcel to the east was an unpaved right-of-way and was used as a parking lot also. Mr. Coker stated that no one uses the access between the parcels; the middle parcel was unpaved, has never been used, and there are no future plans, and his client would like to fence it in and use it as part of his property. Mr. Coker said that there was no need for the right-of-way and would therefore like to vacate it. Mr. Coker said that each of the parcels had access to Sunrise Boulevard. Mr. Coker said that two (2) utility companies requested easements be reserved.

Discussion followed regarding paving the alley as a public road for accessibility and usage, utilities in the parcel, vacation of the entire right-of-way and a dedicated turnaround on N.E. 5th Avenue.

MOTION BY TONY IRVINE TO RECOMMEND A VACATION PLAN BE PROPOSED THAT WILL VACATE THE PORTION OF PROGRESSO DRIVE BETWEEN 4TH AND 5TH AVENUES, DEAL WITH THE FENCING AND DEADEND ISSUE OF THE ALLEY VIA A VACATION OR OTHER MEANS, AND CREATE A TURNAROUND AT N.E. 5TH AVENUE, AND A UTILITY EASEMENT BE RETAINED OVER THE ROADWAY AND THE ALLEY, ALL SUBJECT TO ENGINEERING REVIEW. SECONDED BY KATHY CONNOR.

Victor Volpi asked who the applicant would be. Tony Irvine said that the applicant with the neighbors needed to address this issue, and if no agreement could be reached, no changes would be made.

MOTION PASSED UNANIMOUSLY.

Bob Dunckel said that he would like to see more pictures and more details on each exhibit pertaining to vacations. Mike Fayyaz suggested detailed descriptions and photographs should be included in the exhibits.

ITEM THREE: **VACATION OF PLATTED RIGHT-OF-WAY – DIXIE CUT-OFF SECTION OF CROISSANT PARK**

Address or General Location: northwest corner of SE 30 Street and Federal Highway

Victor Volpi introduced item stating that Wales Garage would like a positive recommendation to vacate 10-feet of S.E. 30th Street and 25-feet of an unnamed avenue, both shown on the Croissant Park Dixie Cut-Off Section plat to the south and east of Block D-14. He stated that the 25-feet abuts Federal Highway. Victor Volpi introduced Linda Strutt.

Ms. Strutt stated that there was one isolated 25-foot platted, paved right-of-way that was not being used and the other parcel was to vacate a portion of the 80-foot right-of-way to a 30-foot half right-of-way, by vacating the portion from the back of the sidewalk to the current property line, which was paved and currently being used for the dumpster enclosure and parking. Ms. Strutt said that the applicant had no plans to change the site, it would remove some existing non-conformities and should the applicant choose to build on the site in the future, the setback requirements would be met. Mike Fayyaz asked about any Broward County traffic way issues. Ms. Strutt said there was none.

Tony Irvine said that he has been working with WaterWorks 2011 and would recommend this item be shelved until WaterWorks 2011 has completed their design and utility studies in the area.

Ms. Strutt asked if there were any other concerns other than waiting for WaterWorks 2011. Tony Irvine suggested it would best to hold off until WaterWorks 2011 has completed their preliminary studies. Ms. Strutt asked if it was necessary to come back before the PROW Committee. Tony Irvine said yes.

MOTION BY TONY IRVINE TO DEFER UNTIL WATERWORKS 2011 HAS HAD A CHANCE TO COMPLETE THEIR PRELIMINARY UTILITY AND TRAFFIC WAYS PLANS IN THE AREA.

SECONDED BY BOB DUNCKEL. MOTION PASSED UNANIMOUSLY.

ITEM FOUR: **RELOCATION OF UTILITY EASEMENT/VACATION OF ALLEY, PROGRESSO**

Address or General Location: between NE 7 Street and NE 6 Street and NE 3 Avenue and NE 2 Avenue

Victor Volpi introduced item stating that Mastriana & Christiansen (agent for property owners) would like a positive recommendation to vacate the alley between N.E. 7th and 6th Streets and N.E. 3rd and 2nd Avenues in order to construct a uniform development on Lots 1-9 and 42-48, Block 317 of Progresso (1-18). He stated that they intend to relocate any and all utilities at their expense. Victor Volpi introduced Ron Mastriana.

Mr. Mastriana stated that they have secured, and on file, a positive recommendation from all property owners on the entire block, and letters from all utility companies agreeing to the vacation relocation. Mr. Mastriana said that the Flagler Heights area has been undergoing a lot of redevelopment and the subject alley has existed by plat and has never been used. Mike Fayyaz asked about utilities in the alley. Mr. Mastriana said that there were FPL, Comcast and Cable. Mr. Mastriana said that the entire

alleyway would be vacated, easements would be retained off the applicant's property, and all utilities would be relocated on the applicant's property.

MOTION BY TOM TERRELL TO RECOMMEND APPROVAL OF THE VACATION AS REQUESTED, SUBJECT TO RELOCATION OF UTILITIES.

SECONDED BY BOB DUNCKEL. MOTION PASSED UNANIMOUSLY.

ITEM FIVE: AGREEMENT TO CONSTRUCT A PATH, LANDSCAPE AND MAINTAIN IMPROVEMENTS IN RIGHT-OF-WAY, S.W. 11TH STREET

Address or General Location: SW 6 Avenue, from SW 11 Street (north) to the alley

Victor Volpi introduced item stating that the Tarpon River Civic Association would like a positive recommendation to construct a walking/bike path with landscaping on S.W. 6th Avenue, from S.W. 11th Street north to the alley. He stated that on May 15th, the PROW Committee recommended that this portion of right-of-way be vacated at the request of the abutting property owners. He said that the association had opposed the vacation and now are requesting your recommendation to improve the right-of-way for walkers and bikers. He said that the Civic Association intends to maintain the improvements. Victor Volpi introduced Gloria Reese.

Ms. Reese stated that she has a copy of the minutes from the City Commission meeting where the request to vacate was denied and there was no further claim on the property. Ms. Reese stated that they would like to construct a path that would define the way through the area and to make it look pleasing. Mike Fayyaz asked if the association would be responsible for all the improvements, including the removal of any items in the area. Ms. Reese said yes. Mike Fayyaz asked about any utilities. Ms. Reese said there was none. Kathy Connor said that technically, the path is an unimproved street.

Bob Dunckel said that the City is currently involved in litigation where there was an unimproved right-of-way leading to the sandy beach and the abutting property owner is claiming that the right-of-way was abandoned and vacated due to no usage of vehicular traffic. Bob Dunckel stated that due to the outcome of this litigation, the association should be aware that the outcome of the litigation may cause the City to take further action at a later time. He stated that the City always retains the superior rights of the usage of the rights-of-way and suggested this project be accomplished through a revocable license agreement. Bob Dunckel said that the City would have to approve landscaping plans, and to issue an engineering permit. Mike Fayyaz asked if the association could apply for a NCIP grant. Ms. Reese said that the adjacent property owner would not cooperate.

Tony Irvine suggested that the development of this area should be looked at the best-preserved usage for the right-of-way and the final design should be referred to the City Attorney's office for approval.

MOTION BY BOB DUNCKEL TO RECOMMEND A REVOCABLE LICENSE AGREEMENT TO INCLUDE APPROVAL OF A LANDSCAPE PLAN, ISSUANCE OF AN ENGINEERING PERMIT, BOTH CONSTRUCTION AND LOCATION APPROVAL OF THE PATHWAY, AND REVIEW BY THE

CITY ATTORNEY'S OFFICE RELATIVE TO OUTSTANDING LEGAL ISSUES THAT ARE CURRENTLY UNDER LITIGATION WITH OTHER RIGHTS-OF-WAY IN THE CITY.

SECONDED BY TOM TERRELL. MOTION PASSED UNANIMOUSLY.

ITEM SIX: AGREEMENT TO USE CITY AIR SPACE OVER ALLEY, STERLING INTERNATIONAL (OWNER) – N.E. 5TH STREET

Address or General Location: alley between NE 3 Avenue and NE 2 Avenue, on NE 5 Street

Victor Volpi introduced item stating that at its meeting on January 17, 2002, the PROW Committee recommended that a portion of the alley between N.E. 3rd and 2nd Avenues and N.E. 5th and 6th Streets be vacated provided that a 15-foot utility easement be retained over the entire portion (between Lots 17, 18, 9 and 10, 1-182). He said that another portion of this alley was vacated by Ordinance C-97-68 (from Lots 19 through 8, north to N.E. 6th Street). He stated that the recommendation in January was given subject to the granting of a 15-foot access/utility easement across Lot 16 and relocation of existing utilities there. Victor Volpi stated that the applicant would now like to close the alley at N.E. 15th Court with a security gate and build over the alley with a private overpass/building. Victor Volpi introduced Larry Kramer.

Mr. Kramer said that in order to secure the various items to meet the requirements of the Committee and the applicant's needs, they had to form an association to which they had agreed in concept but would not sign the paper work. Mr. Kramer said they then decided to leave the alley as is and to construct a 40-foot segment of the building, 18-feet above the alley and to allow passage through the alley. Mr. Kramer stated that there was a security gate concept in place to which the neighbors would have to agree. Mr. Kramer said they are proposing a mixed-use project and are ready to go to DRC. Mike Fayyaz asked if there were any utilities in the alley. Mr. Kramer said that there were FPL lines and they had a signed agreement with Jefferson Place to run FPL lines to the new alley that they provided to Jefferson Place, and that they would like the lines to be underground.

Discussion followed regarding the relocation of lines, vacation of the entire alley and retaining a utility easement, and the pros and cons of security gates or gate arms in the neighborhood.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL OF THE FACILITATION OF THE OVERPASS STRUCTURE SUBJECT TO THE CITY ATTORNEY'S OFFICE, EXCLUDING THE SECURITY GATE FROM THE APPROVAL, AND SUBJECT TO AN ENGINEERING PERMIT AND STANDARDS.

SECONDED BY KATHY CONNOR. MOTION PASSED UNANIMOUSLY.

ITEM SEVEN: TEMPORARY ENCROACHMENT AGREEMENT, 101 S. FORT LAUDERDALE BOULEVARD

Address or General Location: 101 S Fort Lauderdale Boulevard

Victor Volpi introduced item stating that TRG&S Las Olas Beach Club LTI would like a positive recommendation to use the rights-of-way of Cortez Street and Poinsettia Street, to construct the Las

Olas Beach Club Condominium at 101 South Atlantic Boulevard. He stated that this temporary agreement would allow them to close the sidewalks, install temporary piles and barricades, etc. He said that the sidewalk, curb and gutter would be restored at the developer's expense. Victor Volpi introduced Jim Klecker.

Mr. Klecker introduced Malcom McGuiness, Contractor. Mr. Klecker said that the project is a 29-story building, with the restoration and preservation of portions of a historic hotel. Mr. Klecker said that in order to build their building, they would need to preserve walls and install pilings and framework around the outside the building in order to complete the demolition inside. Mr. Klecker said that work would need to be done in the sidewalk in order to connect the utilities underground. Mr. Klecker said for safety reasons and construction access, they would need permission to close the sidewalks in Phase I and in Phase II; they would need to close a northbound single lane on Poinsettia for deliveries to the site.

Discussion followed as to the timeframes for both phases, encroachments in the right-of-way, fencing and parking, and contacting the St. Regis group to coordinate any scheduling conflicts.

MOTION BY BOB DUNCKEL TO RECOMMEND CONCEPTUAL APPROVAL SUBJECT TO REVIEW OF DETAILS PLANS BY THE ENGINEERING AND UTILITIES DEPARTMENT, AND TO BE IMPLEMENTED VIA AN ENGINEERING PERMIT AND REVOCABLE LICENSE AGREEMENT WITH APPROPRIATE INDEMINIFICATION AND INSURANCE REQUIREMENTS.

SECONDED BY KATHY CONNOR. MOTION PASSED UNANIMOUSLY.

ITEM EIGHT: REVOCABLE LICENSE AGREEMENT TO FENCE ALLEY – LOTS 37-38, BLOCK 190

Address or General Location: 1026 NW 4 Avenue

Victor Volpi introduced item stating that Richard Dietz would like a positive recommendation to allow him to fence in the alley behind his house. He stated that the alley was not paved or improved in any way. He said that the alley is being used by people to cross through Mr. Dietz's yard and the homeowners association has said that they wished to vacate the entire alley. Victor Volpi said that Mr. Dietz would not like to wait for the association to proceed and request this agreement in the meantime. Victor Volpi introduced Richard Dietz.

Mr. Dietz stated that according to the survey, there was a 7½-foot reserved alleyway behind his property and he would like to fence to the property line (midpoint of the alley). Mr. Dietz said that the homeowners association was in the process of vacating alleys in the neighborhood, and the alley behind his house did not show up on the master plan therefore his property is not part of the vacation plans in the first phase. Mr. Dietz said that there was drug activity and prostitution in the area and he would like to fence the area for security purposes by obtaining a revocable license agreement..

Bob Dunckel asked why the applicant could not fence around his property line. Mr. Dietz replied he did not want to loose 7 ½ feet.

Tony Irvine said that Progresso plat created the alley by a plat note and not by graphic. He said that the alley was unimproved and no there were no utilities, and the Civic Association has expressed the desire to vacate the alleyways. He said that he had suggested to Mr. Dietz to apply for a revocable license agreement to fence the 7½-feet until the matter of the vacation of the alley was resolved by the association. Bob Dunckel said he would like to see photographs of the alleyway.

MOTION BY TONY IRVINE TO RECOMMEND A REVOCABLE LICENSE BE GRANTED TO MR. DIETZ FOR THE PURPOSE OF THE CONSTRUCTION OF A FENCE ON HIS PROPERTY, WITH THE UNDERSTANDING THAT THERE WERE NO OWNERSHIP RIGHTS, AND FOR MR. DIETZ AND THE CIVIC ASSOCIATION TO PURSUE VACATION AND FINAL RESOLUTION OF THE ALLEY. SECONDED BY KATHY CONNOR.

MOTION BY BOB DUNCKEL TO TABLE DUE TO NO PHOTOGRAPHS OF SUBJECT AREA. SECONDED BY CHRIS BARTON.

Yeas: Bob Dunckel, Tom Terrell, Greg Thornburg, Chris Barton, Maurice Murray

Nays: Tony Irvine, Kathy Connor, Mike Fayyaz

Tony Irvine said he had aerials of the property and the meeting recessed at 11:33 a.m.

Item was revisited at 11:50 a.m., and after looking at the aerials produced by Tony Irvine, Tony Irvine's motion was placed on the table.

MOTION MADE BY TONY IRVINE PASSED UNANIMOUSLY.

Tony Irvine stated that the applicant would need to provide a sketch and legal description of the proposed portion (to the centerline) of the alley, and a signed, sealed survey as part of the application for the revocable license agreement.

ITEM NINE: VACATION OF EASEMENT/DEDICATION OF ANOTHER – 1301 E. LAKE DRIVE

Address or General Location: 1301 E Lake Drive

Victor Volpi introduced item stating that Ben and Carol Harrison would like a positive recommendation to vacate a City easement and dedicate another in its place on their property. He said that they are constructing improvements to their property that conflict with the easement. He stated that all utilities would be relocated at the owner's expense. Victor Volpi introduced Jay Lefka, Bomar Builders, agent for the owners.

Mr. Lefka stated that in Harbor Beach, on East Lake, along Lake Silvia, between two houses was the approximate location. Bob Dunckel asked if the area where the dedication and relocation of the utilities were owned by the same property owner. Mr. Lefka said yes. Mr. Lefka said that Lot 6 was attached to Lot 7. Mr. Lefka said that the original easement was dedicated some time in 1953 and the utility easement projected on to the property on the roadside 23 feet and 41 feet on the waterside and along the north property line, there would be a 10-foot easement.

Chris Barton asked about the drainage structure in the existing easement. Mr. Lefka said the drainage structure would be relocated at the owner's expense.

Discussion followed as to the relocation of the utilities, the manhole and installing a second manhole, replacing the outfall, applying to DRC for the vacation of the existing easement, and the centerline of the easement conforming to the proposed utilities.

MOTION BY TONY IRVINE TO RECOMMEND APPROVAL OF THE VACATION OF THE EXISTING EASEMENT, CONDITIONED UPON THE DEDICATION OF A NEW EASEMENT AND THE RELOCATION OF THE DRAINAGE STRUCTURES CENTERED IN THE NEW EASEMENT.

SECONDED BY KATHY CONNOR. MOTION PASSED UNANIMOUSLY.

ITEM TEN: VACATION OF EASEMENT, 909 BREAKERS AVENUE

Address or General Location: 909 Breakers Avenue

Victor Volpi introduced item stating that the Fort Lauderdale Beach Resort would like a positive recommendation to allow the vacation of an easement abutting their property at 909 Breakers Avenue. He said that this 10-foot utility easement does not appear to be used, although there are utilities to the north of it. He stated that the Resort would like to repair the retaining wall and cannot do so as it is on the 10-foot easement. Victor Volpi introduced Sally Morris.

Ms. Morris stated that the Fort Lauderdale Beach Resort is a timeshare association; the Breakers of Fort Lauderdale Condominium Association, and located just north of the Bonnet House. Ms. Morris said that the retaining wall in question was beneath the Bonnet House's boundary wall and is in violation with the City of Fort Lauderdale Code and they need to repair or replace the wall. Ms. Morris stated that the easement was given in 1964 and the wall requires footings or pilings in the easement area but per City Code, no wall should be placed in the easement area. Ms. Morris said that it was recommended by Tim Welch to vacate the easement which had no utilities in place, except for a sewer force main which was placed north of the easement.

Discussion followed as to the exact location of the sewer force main and fines levied by Code.

Maurice Murray said that he would be willing to ask the Code Enforcement Board to stop the fines for an extended time period until this matter was resolved.

Mike Fayyaz asked about the safety issues. Ms. Morris stated that, at the Inspector's request, they had blocked off four (4) parking spaces.

Discussion followed as to the association updating the survey, location of the force and gas mains, any utilities in the easement, and letters, releases from the utility companies.

MOTION BY TONY IRVINE TO DEFER UNTIL SUFFICIENT FIELD LOCATIONS OF THE CITY FORCE MAIN AND ANY UTILITIES THAT MAY AFFECT THE PROPOSAL HAVE BEEN DONE AND PLACED ON A SURVEY, SIGNED AND SEALED BY A LICENSED PROFESSIONAL SURVEYOR, AND TO RECOMMEND ANY FINES BE ABATED.

SECONDED BY BOB DUNCKLE. MOTION PASSED UNANIMOUSLY.

ITEM ELEVEN: MONUMENT IN RIGHT-OF-WAY, N.W. 4TH AVENUE

Address or General Location: alley south of NW 2 Street, just west of NW 4 Avenue

Victor Volpi introduced item stating that the First Baptist Piney Grove Church would like a positive recommendation to construct a monument in the right-of-way of N.W. 4th Avenue, to commemorate the Piney Grove Missionary Baptist Church. He stated that at the Property and Right-of-Way meeting on November 15, 2001 the Committee recommended that a small in-ground plaque be placed at this site and now, with the help of Bob Young, the Church intends to construct a monument to the standards of entryway feature approved in the past. Victor Volpi introduced Bob Young.

Mr. Young stated that Deacon Crawford had received the permission in 2001 and did not know that this item was to go before the Commissioners for approval. Mr. Young said a date was set up for the dedication but did not receive a permit for the monument. Mr. Young said that once the permit was issued, the monument would be placed in the ground.

Bob Dunckel said that typically, a revocable license agreement would be placed before the City Commission with indemnification and insurance required.

Discussion followed as to why the monument had to be in the right-of-way, owners of Lots 22 and 23 being the State of Florida, any utilities in the 40-foot right-of-way, and the dimensions of the monument.

MOTION BY CHRIS BARTON TO RECOMMEND THE GRANTING OF A REVOCABLE LICENSE AGREEMENT WITH THE CONDITION THAT THE MONUMENT FACILITY BE DESIGNED TO BE REMOVABLE AS NEEDED, AND THE LICENSE EASEMENT AREA BE RELOCATED.

Bob Dunckel suggested that the monument be in place for the ceremony until the revocable license has been issued. Mike Fayyaz stated that Mr. Young would have to obtain an Engineering permit from Tim Welch.

SECONDED BY TOM TERRELL. MOTION PASSED UNANIMOUSLY.

ITEM TWELVE: DONATION OF PROPERTY, FLORIDA TURNPIKE

Address or General Location: south of Broward Boulevard, along State Road 91 (the Florida Turnpike)

Victor Volpi introduced item stating that the Urban Group, representing the Florida Turnpike would like a positive recommendation to donate to them a small parcel of the City well fields located along South Broward Boulevard and the Turnpike for roadway purposes. He stated that this item was deferred July 15th, 2004 to gain further information needed by Greg Thornburg regarding storm and water retention. Victor Volpi said that he did receive an e-mail from Greg Thornburg giving his approval for the donation. He explained that there is a piece of right-of-way that sits out the fence and they are trying to straighten the right-of-way line. Victor Volpi introduced Rosemary Monaca.

Ms. Monaca said that the property was obtained by the City in the 1950's and was located on the turnpike side of the fence, approximately 350 feet south of Broward Boulevard. Ms. Monaca said engineers from the turnpike were in contact with Greg Thornburg and the turnpike would relocate all utilities. She stated the turnpike is widening the roadway and adding lanes and this piece would be part of the roadway and help facilitate traffic.

MOTION BY TOM TERRELL TO RECOMMEND APPROVAL AS REQUESTED BY THE APPLICANT.

SECONDED BY CHRIS BARTON. MOTION PASSED UNANIMOUSLY.

ITEM THIRTEEN: VACATION OF ALLEY, BLOCK 203, PROGRESSO

Address or General Location: alley between Sunrise Boulevard and NW 9 Street and NW 7 Avenue and 7 Terrace

Victor Volpi introduced item stating that Specialty Automotive Treatments would like a positive recommendation to vacate the alley between Sunrise Boulevard, N.W. 9th Street, N.W. 7th Avenue, and N.W. 7th Terrace. He said that a portion of the alley was paved. He stated that there were catch basins in the alley as well as overhead power lines, and a fence on the south side. Victor Volpi said that he had received an e-mail from Keith Gair, Fire Department that stated that this item was brought before the Committee and was rejected. Keith Garr would not support the vacation because of the electrical mains, overhead wires, and means of egress/ingress for assembly area. Victor Volpi introduced Linda Strutt and John Barranco.

John Barranco said that City staff had recommended the vacation of the alley.

Ms. Strutt stated that after speaking with the abutting property owners, they agreed to the vacation of the 15 feet width, which was needed to vacate for a paved parking lot.

Chris Barton questioned the ingress/egress regarding the fire exit and stated that he would need more information as to the location of the proposed office building and Bally's building on the survey, to show physical arrangement and features of the alley, placing a 4-foot sidewalk and landscaping. Ms. Strutt stated that Bally's would not agree to the landscaping because they do use the alley.

MOTION BY CHRIS BARTON TO DEFER FOR MORE INFORMATION. SECONDED BY BOB DUNCKEL.

MOTION PASSED UNANIMOUSLY.

ITEM FOURTEEN: EASEMENTS FOR FPL

Address or General Location: 1500 S State Road 7

Victor Volpi introduced item stating that WaterWorks 2011 would like a positive recommendation to grant FP&L four (4) easements at four locations in the Dixie Well Fields as shown on Exhibit M.

There were no representatives from Waterworks 2011.

MOTION BY TONY IRVINE TO DEFER. SECONDED BY TOM TERRELL.

MOTION PASSED UNANIMOUSLY.

ITEM FIFTEEN: VACATION OF SW 2ND COURT FROM KENILWORTH PLACE TO SW 14TH AVENUE, DEDICATION OF CITY OWNED PROPERTY FOR A TURNAROUND, RECOMMENDATION FOR WATERWORKS 2011 TO CONSTRUCT PROPER ROAD (KENILWORTH PLACE) AND NEW TURNAROUND FROM SW 14TH AVENUE TO SW 2ND COURT (VACATED)

Address or General Location: SW 2 Court, from Kenilworth Place to SW 14 Avenue

Victor Volpi introduced item stating that the Parks Department would like a positive recommendation to vacate SW 2nd Court, from Kenilworth Place to SW 14th Avenue, and dedicate a portion of City owned property needed to create a turnaround contingent upon the City and/or County acquiring the remaining privately held land in Block 4 to the south of SW 2nd Court. He stated that the Committee's recommendation should also be contingent upon Mr. & Mrs. Wilkin dedicating a portion of their property (in Block 4) as right-of-way for the turnaround at Kenilworth Place. He said that *WaterWorks* 2011 has agreed to construct a proper road and turnaround at Kenilworth Place, from SW 2nd Court to SW 14th Avenue as part of their project. Victor Volpi said that this is all in an effort to gain a larger park area and please the two property owners (Northard and Wilkin) to the west.

Victor Volpi said that at its meeting of May 15, 2003, this Committee recommended this vacation but with the turnaround at the water and since then, Commissioner Hutchinson, Parks Department, the property owners and *WaterWorks* 2011 have agreed that the request before you now is acceptable.

Victor Volpi stated that at the last Commission meeting, the dead end portion at Kenilworth Place, from the north right-of-way of SW 2nd Court to the canal, was vacated. Mike Fayyaz asked if Lot 1, Block 4 would have to give additional right-of-way for a proper turnaround. Kathy Connor said yes.

Bob Dunckel asked about the ownership of Lot 1, Block 3. Victor Volpi said the City was the owner. Kathy Connor said that a portion of Lot 1, Block 4 was owned by the City and the Wilkins. Kathy Connor stated that the Wilkins are conditioning their sale to Broward County, under the Land Preservation Bond of Lots 1 thru 4, on the condition that the City vacate and create a turnaround. Kathy Connor stated that the Wilkins wanted a park. Kathy Connor stated that *WaterWorks* 2011 is working with the Parks Department on this item.

MOTION BY CHRIS BARTON TO RECOMMEND APPROVAL AS REQUESTED.

MOTION AMENDED BY BOB DUNCKEL TO ADD CONTINGENT UPON:

- A) THE DEDICATION OF A PORTION OF CITY OWNED PROPERTY TO CREATE A TURNAROUND;**
- B) THE CITY AND/OR COUNTY ACQUIRING THE REMAINING PRIVATELY HELD LAND IN BLOCK 4;**

C) THE WILKINS DEDICATING A PORTION OF THEIR PROPERTY IN BLOCK 4 AS RIGHT-OF-WAY FOR THE TURNAROUND.

Bob Dunckel said that the City would need to work with the County regarding all the contingencies as stated.

SECONDED BY TOM TERRELL.

Yeas: Bob Dunckel, Chris Barton, Maurice Murray, Greg Thornburg, Tom Terrell, Mike Fayyaz

Abstain: Kathy Connor, Tony Irvine

MOTION PASSED.

ITEM SIXTEEN: DEDICATION OF PROPERTY

Address or General Location: 1300 NW 8 Avenue

Victor Volpi introduced item stating that the City of Fort Lauderdale now has the ownership of the common area of Pine Shadows Development Phase III as an escheatment from Broward County. He said that the Homeowners (Condo owners) Association has been dissolved and there are only three owners left. He stated that they intend to create a new association and to request a positive recommendation to donate the City's holdings to them which is their parking lot. Victor Volpi introduced Ellen Patterson.

Ms. Patterson stated that Paul Conti created Pine Shadows in 1982 and according to the covenants in the declaration, he was supposed to deed the common areas to the association at that time. Ms. Patterson said that the common elements were never deeded to the association and the association was dissolved by the State in 1992. Ms. Patterson stated that currently, there are three owners of the eight units and they are in the process of setting forth a new association.

Bob Dunckel asked if title would be transferred to the new Condo Association. Ms. Patterson said yes. Bob Dunckel said that there is a process under the charter that had to be followed, and it could not just be deeded to them, however he could coordinate it so it should not be a problem.

Discussion followed regarding the bidding process for surplus and donated properties. Victor Volpi questioned whether the bidding process needed to be followed for non-profit organizations. Bob Dunckel said he would have to check on that.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL AS REQUESTED. SECONDED BY TONY IRVINE.

MOTION PASSED UNANIMOUSLY.

ITEM FOR DISCUSSION: 13th STREET MEDIAN ISLE

Address or General Location: SE 13 Street, between SE 2 Avenue and SE 3 Avenue

Mike Fayyaz stated that the City Engineer's office gave a permit to a private entity to build parking spaces within a median isle in the City's right-of-way. He said that according to Bob Dunckel, the City Engineer has the right to issue permits within the right-of-way providing that it was safe and did not hinder any access to the public, and that has been done. He stated that in this case, there was a lot of opposition from the neighborhood and that they may have to meet as a board to discuss at a later date.

Mike Fayyaz said that a private person built the parking spaces with private funds, it was open to the public for public parking, and not currently metered. He said that the neighborhood stated that the area median was for parkland and a green area.

Bob Dunckel stated that the permit was issued and the question arose as to whether this item should have been brought before the PROW Committee, and the Commissioners would like to see a process followed.

Discussion followed as to the location of the parking spaces in the right-of-way, parking demand in the area, the median included in the South Andrews Master Plan as green space, the Charter School, and the planning, process and policies in place being followed.

Meeting adjourned at 1:07 P.M.